

# Form 4

## AGGRAVATING AND MITIGATING CIRCUMSTANCES

(Use Form 3 also for Sex Offenses with Three Alternative Minimum Lengths of Stay)

Note any aggravating or mitigating circumstances that may justify departure from the guidelines by entering the page number of the presentence report where the court can find supporting information.

**This list of aggravating and mitigating factors is non-exhaustive and illustrative only.**

### Aggravating Circumstances

Only use aggravating circumstances if they are not an element of the offense.

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- \_\_\_\_ 1. Established instances of repetitive criminal conduct.
- \_\_\_\_ 2. Multiple documented incidents of violence not resulting in conviction. (Requires court approved stipulation.)
- \_\_\_\_ 3. Offender presents a serious threat of violent behavior.
- \_\_\_\_ 4. Victim was particularly vulnerable.
- \_\_\_\_ 5. Injury to person or property loss was unusually extensive.
- \_\_\_\_ 6. Offense was characterized by extreme cruelty or depravity.
- \_\_\_\_ 7. There were multiple charges or victims.
- \_\_\_\_ 8. Offender's attitude is not conducive to supervision in a less restrictive setting.
- \_\_\_\_ 9. Offender continued criminal activity subsequent to arrest.
- \_\_\_\_ 10. Sex Offenses: Correction's formal assessment procedures classify as a high risk offender.
- \_\_\_\_ 11. Offender was in position of authority over victim(s).
- \_\_\_\_ 12. Financial crime or theft crime involved numerous victims, an exploitation of a position of trust, a substantial amount of money, or receipt of money from sources including, but not limited to, equity in a person's home or a person's retirement fund.
- \_\_\_\_ 13. Offender occupied "position of trust" in relation to murder/homicide victim(s) (U.C.A. 76-3-406.5(2))
- \_\_\_\_ 14. Offense constitutes a "hate crime" in that it is likely to incite community unrest; cause community to reasonably fear for physical safety or freely exercise constitutionally secured rights (U.C.A. 76-3-203.4)
- \_\_\_\_ 15. Other (Specify) \_\_\_\_\_

### Mitigating Circumstances

- \_\_\_\_ 1. Offender's criminal conduct neither caused nor threatened serious harm.
- \_\_\_\_ 2. Offender acted under strong provocation.
- \_\_\_\_ 3. There were substantial grounds to excuse or justify criminal behavior, though failing to establish a defense.
- \_\_\_\_ 4. Offender is young.
- \_\_\_\_ 5. Offender assisted law enforcement in the resolution of other crimes.
- \_\_\_\_ 6. Restitution would be severely compromised by incarceration.
- \_\_\_\_ 7. Offender's attitude suggests amenability to supervision.
- \_\_\_\_ 8. Offender has exceptionally good employment and/or family relationships.
- \_\_\_\_ 9. Imprisonment would entail excessive hardship on offender or dependents.
- \_\_\_\_ 10. Offender has extended period of arrest-free street time.
- \_\_\_\_ 11. Offender was less active participant in the crime.
- \_\_\_\_ 12. All offenses were from a single criminal episode.
- \_\_\_\_ 13. Offense(s) was "possession only" drug offense.(see "possession only" offenses, Addendum B)
- \_\_\_\_ 14. Offender has completed or has nearly completed payment of restitution.
- \_\_\_\_ 15. Other (Specify) \_\_\_\_\_

### PLEASE COMPLETE THIS SECTION

Days of Jail Credit	_____
Guidelines Recommendation	_____
AP&P Recommendations	_____
Reason for Departure	_____

OFFENDER NAME: \_\_\_\_\_  
SCORER NAME: \_\_\_\_\_  
DATE SCORED: \_\_\_\_\_

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